

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Cross Plains, Texas et al.)

MM Docket No. 98-198

RM-9304

RECEIVED
AUG 4 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS AND COUNTERPROPOSAL

Wagonwheel Broadcasting of Santa Anna ("Wagonwheel"), by counsel, pursuant to the Commission Public Notice, Released on July 21, 1999, Report No. 2346 and 47 CFR §1.415, hereby files its *Reply Comments and Counterproposal* in the above-referenced proceeding. In support thereof, the following is stated.

1. On December 10, 1998, Wagonwheel filed a *Petition for Rulemaking* seeking to allot Channel 290C2 to the community of Santa Anna, Texas as its first aural service. Since the filing of the petition, this proceeding has grown in complexity, requiring Wagonwheel to direct its resources to litigating matters which are counterproductive to bringing a new FM service to the Santa Anna community. As a result, Wagonwheel hereby counterproposes a new wide area FM on Channel 288C3 instead of Channel 290C2 and requests that its proposal be severed from the instant rule making.

No. of Copies rec'd _____
List ABCDE _____

074

2. The counterproposal of Channel 288C3 at Santa Anna is superior to the Channel 290C2 proposal since it will not impact on any of the proposals advanced in this proceeding and can be allotted immediately to the Santa Anna, Texas community. See, Channel Study attached hereto as Exhibit 1.

3. If the Commission assigns Channel 288C3 to Santa Anna, Texas, Wagonwheel will apply for a construction permit and will construct a new facility upon award of that permit.

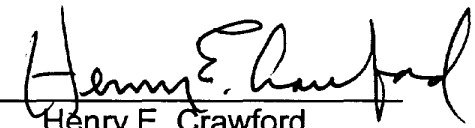
WHEREFORE, in accordance with the above, Wagonwheel Broadcasting of Santa Anna respectfully requests that its original counterproposal be modified to propose that Channel 288C3 to be assigned to Santa Anna, Texas and that its proposal be severed from the instant rule making.

August 4, 1999

Law Offices of
Henry E. Crawford, Esq.
1150 Connecticut Avenue, N.W.
Suite 900
Washington, D.C. 20036-4192
(202) 862-4395
E-Mail: hc@HenryCrawfordLaw.com
Web: <http://www.HenryCrawfordLaw.com>

Respectfully Submitted,

Wagonwheel Broadcasting
of Santa Anna

By: 
Henry E. Crawford
Its Attorney

Wagonwheel Broadcasting of Santa Anna
Reply Comments and Counterproposal
August 3, 1999

EXHIBIT 1

Wagonwheel Broadcasting of Santa Anna
FREQUENCY MODULATION STUDY

Proposed 288 C3
Santa Anna Texas

REFERENCE

31 37 38 N

99 20 03 W

CLASS = C3

Current Spacings

DISPLAY DATES

DATA 07-30-99

SEARCH 08-02-99

----- Channel 288 - 105.5 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
AD290	AD 290C2	Santa Anna	TX	12.70	3.1	56.0	-43.30
KYUL	LI 288C2	Harker Heights	TX	177.05	113.3	177.0	0.05
KEANFM	CP 286C1	Abilene	TX	76.05	341.3	76.0	0.05
KEANFM	LI 286C1	Abilene	TX	76.06	341.3	76.0	0.06
AD290	AD 290C3	Crossplains	TX	57.24	13.8	43.0	14.24
AD290	AD 290C3	Cross Plains	TX	57.24	13.8	43.0	14.24
AD290	AD 290C3	Crossplains	TX	57.24	13.8	43.0	14.24
KMDX.C	CP 289C3	San Angelo	TX	119.19	260.0	99.0	20.19
KEANFM	CP 286C1	Abilene	TX	100.22	335.9	76.0	24.22

CERTIFICATE OF SERVICE

I, Henry E. Crawford, do hereby certify that copies of the foregoing Reply Comments and Counterproposal have been served by United States mail, postage prepaid this 4th day of August, 1999 upon the following:

*John A. Karousos
Chief, Allocations Branch, Policy &
Rules Division
Federal Communications
Commission
2000 M Street, N.W.
5th Floor
Washington, DC 20554

Mark N. Lipp
Shook, Hardy & Bacon, LLP
1850 K Street, NW
Suite 900
Washington, DC 20006
(Counsel to First Broadcasting
Management, LLC)

KZDF License Co., L.L.C.
Station KZDF(FM)
1436 Auburn Boulevard
Sacramento, CA 95818

Chuckie Broadcasting, Co.
Station KYNZ(FM)
Mr. Kenneth Taishoff, President
P.O. Box 1609
Ardmore, OK 73402

KZDL License Co., L.L.C.
Station KZDL(FM)
1436 Auburn Boulevard
Sacramento, CA 95815

John Joseph McVeigh, Esq.
12101 Blue Paper Trail
Columbus, MD 21044-2787
(Counsel to M & M Broadcasters,
Ltd. Station KWOW, Clifton, Texas
and Foxcom, Inc.)

*Kathleen Scheuerle
Federal Communications
Commission
Allocations Branch
2000 M Street, NW
Room 556
Washington, DC 20554

Matthew H. McCormick
Reddy Begley & Martin
2175 K Street, NW #350
Washington, DC 20037-1803
(Counsel to Gain-Air, Inc.)

Erwin G. Krasnow, Esq.
Verner, Liipfert, Bernard,
McPherson
& Hand, Chartered
90115th Street, NW
Suite 700
Washington, DC 20005-2301
(Counsel to Graham Newspaper,
Inc., Station KWKQ, Graham,
Texas)

Watts Communications, Inc.
Stations KXYL-FM and KSTA-FM
Mr. Phil Watts, President
P.O. Box 100
Brownwood, TX 76804-0100
(Licensee of KXYL(FM))

Durant Broadcasting Corp.
Station KBLC(FM)
1418 North First
Durant, OK 74701

Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
1990 M Street, NW
Suite 510
Washington, DC 20036
(Counsel to Tyler Broadcasting)

*Robert Hayne, Esq.
Federal Communications
Commission
Allocations Branch
2000 M Street, NW
Room 555
Washington, DC 20554

Roy R. Russo, Esq.
Cohn and Marks
1920 N Street, NW
Suite 300
Washington, DC 20036-1622
(Counsel to KCYT-FM License
Corp.)

Baylor University
Station KWBU(FM)
William D. Hills, M.D.
Vice President of Student Affairs
B.U. Box 7368
Waco, TX 76798

Equicom, Inc.
Station KBAL-FM
7103 Pine Bluffs Trail
Austin, TX 78729

Pat-Tower, Inc.
Station KVRW(FM)
Mr. Arthur Patrick, President
6210 NW. Oak
Lawton, OK 73505

Jean Hill
ALALATEX
6101 Bayou Road
Mobile, AL 36605
(Petitioner for Cross Plains, TX)

M. Scoff Johnson, Esq.
Gardner, Carton & Douglas
1301 K Street, NW
East Tower
Suite 900
Washington, DC 20005
(Counsel to Robert S. Sullins,
licensee of Station K MAD)

Todd Gray, Esq.
Dow Lohnes & Albertson, P.L.L.C.
1200 New Hampshire Ave., NW,
Suite. 800
Washington, DC 20036
(Counsel to University of North
Texas)

Living Word Church of Brownwood,
Inc.
Station KPSM
P.O. Box 1522
Brownwood, TX 76804

KVWC, Inc.
Box 1419
200 E. Wilbarger
Vernon, TX 76384
(Licensee of KVWC(FM))

KWFS-FM Sub, L.P.
6 Whitfield Drive
Lafayette Hill, PA 19444
(Licensee of KWFS~M))

Ann Bavender, Esq.
Fletcher Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Rosslyn, VA 22209-3801
(Counsel to Oara, Inc.)

Timothy K. Brady, Esq.
7113 Peach Court
Suite 208
Brentwood, TN 37027-0986
(Counsel to Chuckie Broadcasting)

Lawrence N. Cohn, Esq.
Cohn and Marks
1920 N Street, NW
Suite 300
Washington, DC 20036
(Counsel to Kent S. Foster,
proponent for Mason, TX)

Robert J. Buenzle, Esq.
12110 Sunset Hills Road
Suite 450
Reston, VA 20190-3223
(Counsel for Sonoma Media
Corporation)

Anne Goodwin Crump, Esq.
Fletcher Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Rosslyn, VA 22209-3801
(Counsel for Jason Fritz)

John F. Garziglia, Esq.
Patricia M. Chuh, Esq.
Pepper & Corazzini, L.L.P.
1776K Street, NW
Suite 200
Washington, DC 20006
(Counsel for K95.5, Inc., licensee
of Station KITX, Hugo, OK and
proponent for Antlers, OK)]

Monroe-Stephens Broadcasting,
Inc.
115 W. Broadway
Anadarko, OK 73005
(Licensee of KKEN(FM) and
KRPT(FM))

John Griffith Johnson, Jr.
Paul, Hastings, Janofsky & Walker,
L.L.P.
1299 Pennsylvania Avenue, NW
Washington, DC 20004-2400
(Counsel to Cumulus Licensing
Corn.)

Harold Cochran
HC-69, Box 11
Kingston, OK 73439
(Licensee of KDDQ(FM))

William J. Pennington, Esq.
P.O. Box 403
Westfield, MA 01086
(Counsel to Great Plains
Radiocasting, proponent for Detroit,
TX)

Rob Dean, President
Gulfwest Broadcasting Company
300 Pebblebeach
Portland, TX 78374

Lee J. Peltzman, Esq.
Shainis & Peltzman
1901 L Street NW
Suite 290
Washington, DC 20036-3506
(Counsel to BK Radio)

Cumulus Licensing Corp.
111 E. Kilbourn Avenue
Suite 2700
Milwaukee, WI 53202
(Licensee of KQXC~M) and
KYYI(FM))

Lauren A. Colby, Esq.
P.O. Box 113
Frederick, MD 21705-0113
(Counsel to Monroe-Stephens
Broadcasting, Inc.)

Peter Gutmann, Esq.
Pepper & Corazzini, L.L.P.
1776K Street, NW
Suite 200
Washington, DC 20006
(Counsel to KWFS-FM Sub, L.P.)

George S. Flinn, Jr.
188 South Bellevue #222
Memphis, TN 38104
(Applicant for Alva, Oklahoma)

Ballard Broadcasting of Oklahoma,
Inc.
4410 10th Street
Lubbock, TX 79476
(Licensee of KHKC(FM))

Contours, Inc.
3703 Southborough Road
Florence, SC 29501
(Applicant for Dickson, Oklahoma)

Redwood Broadcasting, Inc.
P.O. Box 3463
Carefree, AZ 85377
(Applicant for Dickson, Oklahoma)

Stephen C. Simpson, Esq.
1090 Vermont Avenue, NW
Suite 800
Washington, DC 20005
(Counsel to George S. Fliun, Jr.)

Joseph E. Dunne, III
150 E. Ninth Street
Suite 300
Durango, CO 81301
(Counsel to Ballard Broadcasting)

M & M Broadcasters, Ltd.
919 N. Main
Cleburne, TX 76033
(Licensee of KWOW(FM))

Oara, Inc.
P.O. Box 11196
College Station, TX 77842
(Applicant for Dickson, Oklahoma)

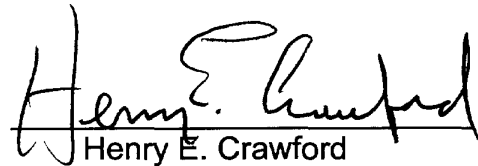
Frances Beane
7912 Joliet
Lubbock, TX 79423
(Applicant at Snyder, Texas)

Highland Broadcasters
P.O. Box 628
Lake Havasu City, AZ 86405
(Applicant at Snyder, Texas)

Rolling Plains Broadcasting Corp.
Box 1118
1406 N. First
Haskell, TX 79521
(Station KVRP, Haskell, Texas)

Delbert Foree
2800 34th Street
Snyder, TX 79549
(Applicant at Snyder, Texas)

*Hand Delivered


Henry E. Crawford